



March 27, 2015

ENGROSSED SENATE BILL No. 7

DIGEST OF SB 7 (Updated March 25, 2015 11:48 am - DI 96)

Citations Affected: IC 6-1.1; IC 9-22.

Synopsis: Abandoned mobile homes. Makes changes to the procedure in current law for the sale or salvage of an abandoned mobile home located on private property, other than mobile homes located in a mobile home community. Provides, except in the case of an abandoned mobile home offered for sale at auction, that the bureau of motor vehicles may not transfer the title to a mobile home or change the names on the title to a mobile home unless the owner holds a valid permit issued by the county treasurer. Provides that a permit to move, or transfer title to, a mobile home expires 90 days after the permit is issued.

Effective: July 1, 2015.

Steele, Messmer, Randolph
(HOUSE SPONSOR — COX)

January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.

February 3, 2015, amended, reported favorably — Do Pass.

February 5, 2015, read second time, amended, ordered engrossed.

February 6, 2015, engrossed.

February 9, 2015, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Roads and Transportation.

March 26, 2015, amended, reported — Do Pass.

ES 7—LS 6102/DI 113



March 27, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 7

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-7-10, AS AMENDED BY P.L.203-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 10. **(a) This section does not apply to a mobile**
4 **home that is offered for sale at auction under IC 9-22-1.5 for the**
5 **transfer resulting from the auction.**

6 ~~(a)~~ **(b)** A mobile home may not be moved from one (1) location to
7 another unless the owner obtains a permit to move the mobile home
8 from the county treasurer.

9 ~~(b)~~ **(c)** The bureau of motor vehicles may not:

10 **(1) transfer the title to a mobile home; or**

11 **(2) change names in any manner on the title to a mobile home;**
12 unless the owner ~~obtains~~ **holds** a **valid** permit to transfer the title ~~from~~
13 **that was issued by** the county treasurer.

14 ~~(c)~~ **(d)** A county treasurer shall issue a permit which is required to
15 either move, or transfer the title to, a mobile home if the taxes due on
16 the mobile home have been paid. The permit shall state the date it is

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1 issued.

2 ~~(d)~~ (e) After issuing a permit to move a mobile home under
3 subsection ~~(e)~~; (d), a county treasurer shall notify the township assessor
4 of the township to which the mobile home will be moved, or the county
5 assessor if there is no township assessor for the township, that the
6 permit to move the mobile home has been issued.

7 (f) **A permit to move, or transfer title to, a mobile home that is**
8 **issued under this section expires ninety (90) days after the date the**
9 **permit is issued. The permit is invalid after the permit expires. If**
10 **the owner wishes to move, or transfer title to, the mobile home**
11 **after the permit has expired, the owner must obtain a new permit**
12 **under this section.**

13 SECTION 2. IC 6-1.1-7-10.4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.4. (a) **This section**
15 **does not apply to a mobile home that is offered for sale at auction**
16 **under IC 9-22-1.5 for the transfer resulting from the auction.**

17 (b) The owner of a mobile home who sells the mobile home to
18 another person shall provide the purchaser with the permit required by
19 section ~~10(b)~~ **10(c)** of this chapter before the sale is consummated.

20 SECTION 3. IC 9-22-1.5-1.3 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2015]: **Sec. 1.3. This chapter does not apply**
23 **to a mobile home that is located in a mobile home community (as**
24 **defined in IC 16-41-27-5).**

25 SECTION 4. IC 9-22-1.5-1.5 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. For purposes of this chapter,**
28 **a mobile home is considered "abandoned" if three (3) or more of**
29 **the conditions set forth in IC 32-30-10.6-5(a) exist with respect to**
30 **the mobile home.**

31 SECTION 5. IC 9-22-1.5-2, AS AMENDED BY P.L.262-2013,
32 SECTION 107, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2015]: Sec. 2. A private property owner who
34 finds a mobile home that the person believes to be abandoned on
35 property the person owns or controls, including rental property, may
36 sell or salvage the mobile home if it **was built at least fifteen (15)**
37 **years ago and** has been left without permission on the owner's
38 property for at least ~~thirty (30)~~ **sixty (60)** days. The ~~thirty (30)~~ **sixty**
39 **(60)** day period begins on the day the property owner sends notice
40 under section 3 of this chapter to the owner of the mobile home.

41 SECTION 6. IC 9-22-1.5-3, AS AMENDED BY P.L.262-2013,
42 SECTION 108, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A property owner shall send notice of a mobile home described in section 2 of this chapter as follows:

(1) To the owner of the mobile home at the last known address of the owner as shown by:

(A) the records of the bureau; or

(B) if the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible, the records of the assessor of the county in which the mobile home is located.

If the property owner is unable to determine the address of the mobile home owner, the property owner may serve the mobile home owner by posting the notice on the mobile home.

(2) To:

(A) a lienholder with a perfected security interest in the mobile home; or

(B) any other person known to claim an interest in the mobile home;

as shown by the records of the bureau.

Notice under this subsection must include a description of the mobile home, **the location of the mobile home**, and a conspicuous statement that the mobile home is on the owner's property without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the property owner of the new address.

(b) A property owner may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(c) If, before the thirty (30) day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) thirty (30) day extension of time.

SECTION 7. IC 9-22-1.5-4, AS AMENDED BY P.L.125-2012, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The property owner shall:

(1) request that a search be performed in the records of the bureau **or the county assessor, in accordance with section 3(a)(1) of this chapter**, for the name and address of the owner of the mobile



home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to:

(A) the last known address of the owner of the mobile home;

(B) ~~to~~ any lien holder with a perfected security interest in the mobile home; ~~and to~~

(C) all other persons known to claim an interest in the mobile home; **and**

(D) **the county treasurer of the county in which the mobile home is located.**

The notice must include a description of the mobile home, **the location of the mobile home**, a demand that the mobile home be removed within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction. ~~in conformity with IC 26-1-7-210 and IC 26-1-2-328.~~ The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

~~(4) conduct an auction, not less than thirty (30) days after the return receipt is received by the property owner, on the property where the mobile home was left without permission;~~

~~(5) (4)~~ provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

~~(6) (5)~~ sell the mobile home to the highest bidder, if any; and

~~(7) (6)~~ immediately after the auction, execute an affidavit of sale or disposal on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the



property without permission;

(C) any expenses incurred by the property owner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the property owner shall note that fact on the affidavit. The property owner shall list the property owner, or any donee, as the purchaser on the affidavit of sale or disposal.

SECTION 8. IC 9-22-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Upon payment of the bid price by the purchaser, the property owner shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the auction produces a purchaser, notwithstanding IC 6-1.1-23, the property owner shall distribute the amount of the bid price received from the purchaser in the following order of priority:

(1) Reasonable attorney's fees incurred by the property owner for the sale of the mobile home.

(2) Amounts owed to creditors known to have a lien or security interest on the mobile home, according to the priorities of the creditors' respective security interests.

(3) Delinquent taxes, including any associated penalties, interest, or collection expenses, that are attributable to the mobile home as of the date of sale.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the property owner may retain the remaining amount.

~~(b)~~ (c) If the auction produces no purchaser, the mobile home becomes the property of the property owner, and the property owner shall note that fact on the affidavit of sale or disposal.

~~(c)~~ (d) If the property owner wishes to donate the mobile home to any willing donee, a property owner who has obtained ownership of a mobile home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

~~(d)~~ (e) If the auction produces no purchaser and the property owner does not intend to sell or transfer the mobile home to another person, the property owner may, without further administrative application, dismantle the unit for salvage or disposal.



1 ~~(e)~~ (f) A property owner or willing donee who obtains ownership of
2 a mobile home under this section has the same right of ownership as a
3 purchaser who was the highest bidder at auction.

4 (g) Within thirty (30) days after the auction is held, the property
5 owner shall submit the following to the county treasurer:

6 (1) A copy of the affidavit of sale or disposal.

7 (2) The amount, if any, to be distributed under subsection

8 (b)(3), if the auction produced a purchaser.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-13-9-8, AS AMENDED BY P.L.202-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision that makes a deposit in any deposit or other account may be required to pay a service charge to the depository in which the funds are deposited, if the depository requires all customers to pay the charge for providing that service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by sections 4 and 5 of this chapter. If the total service charge cannot be computed before the investment, the investing officer shall estimate the service charge and adjust the interest rate based on this estimate. The service charge may be paid:

- (1) by direct charge to the deposit or other account; or
- (2) in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

If the manner described in subdivision (2) is used to pay the service charge, the political subdivision must report the net interest deposited in the political subdivision's financial records, and the political subdivision is not required to report the amount of the service charge subtracted in the political subdivision's financial records."

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 9-22-1.5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. For purposes of this chapter, a mobile home is considered "abandoned" if three (3) or more of the following conditions exist with respect to the mobile home:**

- (1) The mobile home has been unoccupied by humans for thirty (30) days or more.**
- (2) Electric service to the mobile home has been disconnected**



for thirty (30) days or more.

(3) Natural gas or propane service to the mobile home has been disconnected for thirty (30) days or more.

(4) Water service to the mobile home has been disconnected for thirty (30) days or more.

(5) One (1) or more windows in the mobile home have been struck by a bullet or other ammunition.

(6) Metal siding has been vandalized or removed, including for purposes of salvage.

(7) The mobile home is partially or wholly detached from its foundation.

(8) The roof is partially or completely removed, burned, or collapsed.

SECTION 4. IC 9-22-1.5-2, AS AMENDED BY P.L.262-2013, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A private property owner who finds a mobile home that the person believes to be abandoned on property the person owns or controls, including rental property, may sell or salvage the mobile home if it has been left without permission on the owner's property for at least ~~thirty (30)~~ **sixty (60)** days. The ~~thirty (30)~~ **sixty (60)** day period begins on the day the property owner sends notice under section 3 of this chapter to the owner of the mobile home."

Page 2, line 31, after "if" insert ":

- (i) the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible; or**
- (ii)".**

Page 4, strike lines 12 through 14.

Page 4, line 15, strike "(5)" and insert "**(4)**".

Page 4, line 17, strike "(6)" and insert "**(5)**".

Page 4, line 18, strike "(7)" and insert "**(6)**".

Page 5, delete lines 1 through 9.

Page 5, line 10, delete "(7)" and insert "**(2)**".

Page 5, between lines 12 and 13, begin a new line block indented and insert:

"(3) Delinquent taxes, including any associated penalties, interest, or collection expenses, that are attributable to the mobile home as of the date of sale."



Page 5, line 15, delete "The property".
Page 5, delete lines 16 through 19.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 7 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 7 be amended to read as follows:

Page 1, delete lines 1 through 16.
Page 2, delete lines 1 through 6.
Renumber all SECTIONS consecutively.

(Reference is to SB 7 as printed February 4, 2015.)

STEELE

SENATE MOTION

Madam President: I move that Senate Bill 7 be amended to read as follows:

Page 3, line 26, after "it" insert "**was built at least fifteen (15) years ago and**".

(Reference is to SB 7 as printed February 4, 2015.)

STEELE



SENATE MOTION

Madam President: I move that Senate Bill 7 be amended to read as follows:

Page 2, line 25, strike "(c)," and insert "**(d)**,".
 Page 6, line 23, delete "(7)," and insert "**(3)**,".
 Page 7, line 2, delete "(b)(6)," and insert "**(b)(3)**,".

(Reference is to SB 7 as printed February 4, 2015.)

STEELE

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 7, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "thirty (30)" and insert "**ninety (90)**".

Page 2, between lines 19 and 20, begin a new paragraph and insert:
 "SECTION 3. IC 9-22-1.5-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.3. This chapter does not apply to a mobile home that is located in a mobile home community (as defined in IC 16-41-27-5).**".

Page 2, line 24, delete "following".

Page 2, line 24, after "conditions" insert "**set forth in IC 32-30-10.6-5(a)**".

Page 2, line 24, delete "home:" and insert "**home.**".

Page 2, delete lines 25 through 40.

Page 3, delete lines 9 through 42, begin a new paragraph and insert:
 "SECTION 6. IC 9-22-1.5-3, AS AMENDED BY P.L.262-2013, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A property owner shall send notice of a mobile home described in section 2 of this chapter as follows:

- (1) To the owner of the mobile home at the last known address of the owner as shown by:
 - (A) the records of the bureau; or
 - (B) **if the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible, the records of the assessor of the county**



in which the mobile home is located.

If the property owner is unable to determine the address of the mobile home owner, the property owner may serve the mobile home owner by posting the notice on the mobile home.

(2) To:

(A) a lienholder with a perfected security interest in the mobile home; or

(B) any other person known to claim an interest in the mobile home;

as shown by the records of the bureau.

Notice under this subsection must include a description of the mobile home, **the location of the mobile home**, and a conspicuous statement that the mobile home is on the owner's property without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the property owner of the new address.

(b) A property owner may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(c) If, before the thirty (30) day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) thirty (30) day extension of time."

Page 4, delete lines 1 through 9.

Page 4, line 23, strike "and".

Page 4, line 23, after "and to" begin a new line double block indented and insert:

"(C)".

Page 4, line 23, reset in roman "all other persons known to claim an".

Page 4, line 24, reset in roman "interest in the mobile home."

Page 4, line 24, delete "home." and insert "home; **and**".



Page 4, line 25, delete "(C)" and insert "(D)".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 7 as reprinted February 6, 2015.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

